

Senate File 243 - Introduced

SENATE FILE 243

BY PETERSEN

A BILL FOR

1 An Act extending the limitations of certain criminal actions
2 committed on or with minors, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 802.2, subsection 1, Code 2017, is
2 amended to read as follows:

3 1. An information or indictment for sexual abuse in the
4 first, second, or third degree committed on or with a person
5 who is under the age of eighteen years ~~shall~~ may be found
6 ~~within ten years after the person upon whom the offense is~~
7 ~~committed attains eighteen years of age, or if the person~~
8 ~~against whom the information or indictment is sought is~~
9 ~~identified through the use of a DNA profile, an information or~~
10 ~~indictment shall be found within three years from the date the~~
11 ~~person is identified by the person's DNA profile, whichever is~~
12 ~~later~~ at any time after the commission of the offense.

13 Sec. 2. Section 802.2A, Code 2017, is amended to read as
14 follows:

15 **802.2A Incest — sexual exploitation by a counselor,**
16 **therapist, or school employee.**

17 1. An information or indictment for incest under section
18 726.2 committed on or with a person who is under the age of
19 eighteen ~~shall~~ may be found ~~within ten years after the person~~
20 ~~upon whom the offense is committed attains eighteen years of~~
21 ~~age. An information or indictment for any other incest shall~~
22 ~~be found within ten years after its~~ at any time after the
23 commission of the offense.

24 2. An indictment or information for sexual exploitation by
25 a counselor, therapist, or school employee under [section 709.15](#)
26 committed on or with a person who is under the age of eighteen
27 ~~shall~~ may be found ~~within ten years after the person upon whom~~
28 ~~the offense is committed attains eighteen years of age~~ at any
29 time after the commission of the offense. An information or
30 indictment for any other sexual exploitation shall be found
31 within ten years of the date the victim was last treated by the
32 counselor or therapist, or within ten years of the date the
33 victim was enrolled in or attended the school.

34 Sec. 3. Section 802.2B, unnumbered paragraph 1, Code 2017,
35 is amended to read as follows:

1 An information or indictment for the following offenses
2 committed on or with a person who is under the age of eighteen
3 years ~~shall~~ may be found ~~within ten years after the person upon~~
4 ~~whom the offense is committed attains eighteen years of age,~~
5 ~~or if the person against whom the information or indictment~~
6 ~~is sought is identified through the use of a DNA profile, an~~
7 ~~information or indictment shall be found within three years~~
8 ~~from the date the person is identified by the person's DNA~~
9 ~~profile, whichever is later~~ at any time after the commission
10 of the offense:

11 Sec. 4. Section 802.2C, Code 2017, is amended to read as
12 follows:

13 **802.2C Kidnapping.**

14 An information or indictment for kidnapping in the first,
15 second, or third degree committed on or with a person who is
16 under the age of eighteen years ~~shall~~ may be found ~~within ten~~
17 ~~years after the person upon whom the offense is committed~~
18 ~~attains eighteen years of age, or if the person against whom~~
19 ~~the information or indictment is sought is identified through~~
20 ~~the use of a DNA profile, an information or indictment shall be~~
21 ~~found within three years from the date the person is identified~~
22 ~~by the person's DNA profile, whichever is later~~ commenced at
23 any time after the commission of the offense.

24 Sec. 5. Section 802.2D, Code 2017, is amended to read as
25 follows:

26 **802.2D Human trafficking.**

27 An information or indictment for human trafficking in
28 violation of [section 710A.2](#), committed on or with a person who
29 is under the age of eighteen years ~~shall~~ may be found ~~within~~
30 ~~ten years after the person upon whom the offense is committed~~
31 ~~attains eighteen years of age, or if the person against whom~~
32 ~~the information or indictment is sought is identified through~~
33 ~~the use of a DNA profile, an information or indictment shall be~~
34 ~~found within three years from the date the person is identified~~
35 ~~by the person's DNA profile, whichever is later~~ at any time

1 after the commission of the offense.

2 Sec. 6. Section 802.10, subsection 3, Code 2017, is amended
3 to read as follows:

4 3. However, notwithstanding subsection 2, an indictment or
5 information shall be found against a person within three years
6 from the date the person is identified by the person's DNA
7 profile. ~~If the action involves sexual abuse, another sexual~~
8 ~~offense, kidnapping, or human trafficking, the indictment~~
9 ~~or information shall be found as provided in section 802.2,~~
10 ~~802.2B, 802.2C, or 802.2D, if the person is identified by the~~
11 ~~person's DNA profile.~~

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill extends the limitations of certain criminal
16 actions (statute of limitations) committed on or with minors.

17 The amendment to Code section 802.2 provides that an
18 information or indictment for sexual abuse in the first,
19 second, or third degree committed on or with a person who
20 is under the age of 18 years may be found at any time after
21 commission of the offense. Under current law, an information
22 or indictment for a sexual abuse offense committed on or with
23 a person who is under 18 years of age shall be found within
24 10 years after the person upon whom the offense is committed
25 attains 18 years of age, or if the person against whom the
26 information or indictment is sought is identified through the
27 use of a DNA profile, an information or indictment shall be
28 found within three years from the date the person is identified
29 by the person's DNA profile, whichever is later.

30 The amendment to Code section 802.2A provides that an
31 information or indictment for incest under Code section 726.2
32 committed on or with a person who is under the age of 18 may
33 be found at any time after commission of the offense. Under
34 current law, an information or indictment for incest shall be
35 found within 10 years after the person upon whom the offense

1 is committed attains 18 years of age. For other incest
2 offenses committed upon a person 18 years of age or older,
3 the information or indictment shall be found within 10 years
4 after the commission of the offense. If the person against
5 whom the information or indictment is sought is identified
6 only through the use of a DNA profile, the limitation shall be
7 tolled. However, an information or indictment shall be found
8 within three years from the date the person is identified by
9 the person's DNA profile.

10 The amendment to Code section 802.2A also provides that
11 an information or indictment for sexual exploitation by a
12 counselor, therapist, or school employee under Code section
13 709.15 committed on or with a person who is under the age of
14 18 may be found at any time after commission of the offense.
15 Under current law, an information or indictment for sexual
16 exploitation by a counselor, therapist, or school employee
17 shall be found within 10 years after the person upon whom the
18 offense is committed attains 18 years of age. For other sexual
19 exploitation by a counselor, therapist, or school employee
20 offenses committed upon a person 18 years of age or older, the
21 information or indictment shall be found within 10 years of the
22 date the person was last treated by the counselor or therapist,
23 or within 10 years of the date the person was enrolled in or
24 attended the school.

25 The amendment to Code section 802.2B provides that an
26 information or indictment may be commenced at any time after
27 the commission of any of the following offenses if the offense
28 is committed on or with a person under the age of 18: sexual
29 abuse in the first degree in violation of Code section 709.2;
30 sexual abuse in the second degree in violation of Code section
31 709.3; sexual abuse in the third degree in violation of Code
32 section 709.4; lascivious acts with a child in violation of
33 Code section 709.8; assault with intent to commit sexual abuse
34 in violation of Code section 709.11; indecent contact with a
35 child in violation of Code section 709.12; lascivious conduct

1 with a minor in violation of Code section 709.14; sexual
2 exploitation by a counselor, therapist, or school employee in
3 violation of Code section 709.15; sexual misconduct with a
4 juvenile in violation of Code section 709.16, subsection 2;
5 kidnapping in the first degree in violation of Code section
6 710.2; kidnapping in the second degree in violation of Code
7 section 710.3; kidnapping in the third degree in violation of
8 Code section 710.4; human trafficking in violation of Code
9 section 710A.2; incest in violation of Code section 726.2; and
10 sexual exploitation of a minor in violation of Code section
11 728.12. Under current law for the preceding offenses, an
12 information or indictment committed on or with a person who
13 is under 18 years of age shall be found within 10 years after
14 the person upon whom the offense is committed attains 18 years
15 of age, or if the person against whom the information or
16 indictment is sought is identified through the use of a DNA
17 profile, an information or indictment shall be found within
18 three years from the date the person is identified by the
19 person's DNA profile, whichever is later.

20 The amendment to Code section 802.2C provides that an
21 information or indictment for kidnapping in the first, second,
22 or third degree committed on or with a person who is under the
23 age of 18 years may be found at any time after commission of
24 the offense. Under current law for kidnapping offenses, the
25 information or indictment for an offense committed on or with
26 a person who is under the age of 18 years of age, shall be
27 found within 10 years after the person upon whom the offense
28 is committed attains 18 years of age, or if the person against
29 whom the information or indictment is sought is identified
30 through the use of a DNA profile, an information or indictment
31 shall be found within three years from the date the person is
32 identified by the person's DNA profile, whichever is later.

33 The amendment to Code section 802.2D provides that an
34 information or indictment for human trafficking in violation of
35 Code section 710A.2, committed on or with a person who is under

1 the age of 18 years may be found at any time after commission of
2 the offense. Under current law for human trafficking offenses,
3 the information or indictment for an offense committed on or
4 with a person who is under the age of 18 years of age, shall be
5 found within 10 years after the person upon whom the offense
6 is committed attains 18 years of age, or if the person against
7 whom the information or indictment is sought is identified
8 through the use of a DNA profile, an information or indictment
9 shall be found within three years from the date the person is
10 identified by the person's DNA profile, whichever is later.

11 The amendment to Code section 802.10 makes conforming
12 changes to comply with the changes in the bill.